

REMARKS

In accordance with the foregoing, claim 1 has been amended. Therefore, after entry of the foregoing claim amendments, claims 1, 3 and 6 will remain pending and under examination. No new matter is being presented, and approval of the amended claim is respectfully requested.

Rejections under 35 U.S.C. §103(a)

Claims 1 and 3 stand rejected as being unpatentable over Lee et al. (U.S. Patent No. 6,266,481) (hereinafter “Lee”) in view of Yuyama et al. (U.S. Patent No. 5,825,408) (hereinafter “Yuyama”) and Nono (U.S. Patent No. 7,209,632). Claim 6 stands rejected as being unpatentable over Lee in view of Yuyama and Nono, and further in view of Natsugami (U.S. 2003/0099462). The rejections are respectfully traversed and reconsideration is requested. The following is a comparison between embodiments of the present invention and the cited art.

Independent claim 1 is amended herein to recite a memory storing programmed recording information; and a detector for detecting that it is at a time point preceding a set start time of the programmed recording based on the programmed recording information stored in the memory.

As to claim 1 of the present application, the Examiner states that Lee teaches an apparatus provided with a receiving state detection activator for activating the receiving state detector at a time point preceding a set start time of programmed recording by a predetermined time, and cites col. 5, lines 41-44 of Lee et al. as its support.

Col. 5, lines 41-47 of Lee merely describes that "if the demodulated signal contains an error attributed to the communication path, the error is corrected by a forward error correcting circuit 12. The resultant signal is supplied to a conditional access circuit 13 to determine if that signal constitutes a program that is authorized for recording by the television receiving apparatus 6".

It appears that the Examiner considers, from the description mentioned above, the demodulator of Lee to have a configuration capable of "activating the receiving state detector at a

time point preceding a set start time of programmed recording by a predetermined time,” as recited in claim 1, since it detects the state of the signal before the signal reaches the recorder.

However, independent claim 1, as amended herein, clarifies that the set start time of programmed recording is registered preliminarily, and an operation of detection that it is at a time point preceding said start time by a predetermined time is conducted, according to embodiments of the present invention. (See, *e.g.*, p. 8, line 14, to p. 9, line 1, of the specification of the present application). Such an operation is not conducted in Lee and, thus, Lee fails to teach or even suggest the features of amended claim 1.

Applicant notes that the other cited references fail to cure the deficiencies of Lee described above. Therefore, it is respectfully submitted that independent claim 1 patentably distinguishes over the cited art, alone or in combination. The pending dependent claims 3 and 6 inherit the patentability of independent claim 1 and are submitted to be in condition for allowance for at least the foregoing reasons.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 278542003800. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: February 24, 2010

Respectfully submitted,

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